

1 IN THE DISTRICT COURT OF THE NINETEENTH
2 JUDICIAL DISTRICT OF THE STATE OF MONTANA
3 IN AND FOR THE COUNTY OF LINCOLN
4 CAUSE NO. DV-97-153

5 CARL E. CRAIG and MARION L.)
6 CRAIG, husband and wife,)
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19 Taken at the Venture Inn
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24 Reported by Debra M. Hedman, RPR, RMR, and Notary
25 Public for the State of Montana, Flathead County

1 the medication assisted you in dealing with that?

2 A Yes.

3 Q Do you remember discussing -- Well, do you
4 remember taking pulmonary function tests at that
5 time?

6 A No, I didn't.

7 Q Okay. When was it, in fact, that you quit
8 smoking? Did you write the date down someplace?

9 A Yeah, I believe it was 1993.

10 Q 1993.

11 A Uh-huh.

12 Q You say that from the beginning of 1990
13 until currently your shortness of breath has gotten
14 steadily worse?

15 A Yes.

16 Q So in the mid 1990s, it was certainly
17 worse than it was at the beginning of the 1990s, but
18 not as bad as it is now, is what you're saying?

19 A Yes. That's correct.

20 Q Have you had any psychological or
21 psychiatric treatment of any nature?

22 A No.

23 Q There were some indications in the medical
24 records of -- And I think they were yours. Maybe
25 I'm mixing up medical records. -- of a suggestion of

1 counselling? Did you ever go to a counselor at all?

2 A No, I did not.

3 Q Have you ever had any -- made any Social
4 Security claims?

5 A No, I have not.

6 Q And you have had some Workers'
7 Compensation claims only for the cost of the
8 medicals and getting --

9 A That's correct.

10 Q -- getting yourself repaired?

11 A Yes.

12 Q Have you ever had a personal injury
13 lawsuit?

14 A No, I have not.

15 Q Let's talk about the situation at
16 W.R. Grace when you went to work there. How was it
17 that you happened to hire on there?

18 A I was looking for steady employment and
19 they had steady employment and good benefits.
20 That's what coaxed me to go to work there.

21 Q Who was it that -- Who was it that you --
22 who actually hired you?

23 A I believe it was Bill Dorrington.

24 Q Having lived around here, did you have a
25 lot of acquaintances who worked up there at the

1 while you were -- your primary supervisor while you
2 were there?

3 A I had two of them. In maintenance it was
4 Ed Hendrickson, and when I was in the new mill it
5 was Duane Monroe.

6 Q Here is what my review of the personnel
7 records indicates. That you were hired onto the --
8 into the labor pool, but almost immediately went to
9 wet mill, utility man?

10 A Yes.

11 Q Not almost immediately. Five months, I
12 guess.

13 A Yes.

14 Q And then you stayed there until you made a
15 skipper in April of 1990 -- 1975. And then because
16 of layoffs, you went back to wet mill utility in
17 August of '75, and then in October of '75 became a
18 millwright's helper, and then remained that for the
19 rest of the time until you left? Does that sound
20 right?

21 A That sounds right. Yes.

22 Q And then Hendrickson would have been the
23 supervisor when you were in the wet mill and --

24 A Maintenance.

25 Q Oh, maintenance.

1 A Uh-huh.

2 Q And then Duane Monroe when -- he
3 supervised you where?

4 A In the wet mill, as far as bottom floor
5 operator and utility man.

6 Q Now, the wet mill that we're talking
7 about, is that the new mill or the old wet mill?

8 A That's the new wet mill.

9 Q New mill. When you started working there,
10 was the new mill in operation?

11 A It was just starting into operation.

12 Q While you were there, did the old mill --
13 the old dry mill ever operate?

14 A Sometimes they operated the lower part of
15 it, yes. Not for much.

16 Q So it would be just very sporadic?

17 A Uh-huh.

18 Q And I assume that that was during a period
19 of time that they were still getting the new mill
20 fully tuned up to run?

21 A Yes, uh-huh.

22 Q And so then, did you ever work in the old
23 dry mill?

24 A Other than just cleaning up, being a
25 sweeper, no. I never held a position there.

1 Q Were you a sweeper there?

2 A Yes.

3 Q For how long?

4 A While I was in the labor pool, so off and
5 on within the first five months.

6 Q If the operation was intermittent, was
7 your work as a sweeper also intermittent or did you
8 work there as a sweeper every day?

9 A No, it was intermittent.

10 Q What did you do when you weren't working
11 as a sweeper?

12 A Whatever needed to be done. You know,
13 when you're in labor, they send you all over.

14 Q How many days would you reckon that you
15 worked as a sweeper during that five-month period?

16 A Oh, gosh.

17 Q Half the time?

18 A I don't know. I can't recall.

19 Q Quarter of the time?

20 A Yeah, maybe something like that. Maybe.

21 Q When you started work, who was it that
22 briefed you on what it was that you were going to be
23 doing?

24 A When I first started there, it would have
25 been -- I guess it would have been Duane Monroe, I

1 mill.

2 Q The skip was there. Right.

3 A Uh-huh.

4 Q Was there any discussion with you at all
5 concerning dustiness -- the dust by any of your
6 supervisors?

7 A No.

8 Q What was your job in the new mill? I'm
9 going to refer to it as the new mill to separate it
10 from the old wet mill.

11 A That was a bottom floor operator.

12 Q And what did that job entail?

13 A We had to mix chemicals and diesel, which
14 helped float the ore off the -- I don't remember
15 what they called the -- a flotation device, anyway,
16 further up in the mill and I kept the bottom floor
17 clean. They still had a lot of ore down there.
18 We had to wash it off. And grease pumps and all
19 that --

20 Q Okay, can you describe for me how dusty
21 the air was in the new mill? Could you see dust in
22 the air?

23 A Oh, yes. It sparkled.

24 Q Was it a dry process?

25 A The upper portion of it was fairly dry.

1 but the bottom was just from the wind and from the
2 bag mill and -- the bag plant.

3 Q So what you're saying is that the dust did
4 not necessarily arise from the process itself but
5 would just come in from other sources?

6 A That's correct, yes. Not on the bottom
7 floor anyhow.

8 Q It wasn't dusty on the bottom floor is
9 what you're saying?

10 A Not as dusty.

11 Q Was the dust ever such that it bothered
12 you enough to complain about it?

13 A Maybe other than jokingly, no, I don't
14 think so.

15 Q When you were working, sweeping in the old
16 mill, I think you said something about only the
17 bottom part of it was working?

18 A Yeah. They had conveyors and stuff that
19 went across the bottom of it that took ore out to
20 the old tailings pile and they were using it then.

21 Q Were they using -- Were they actually
22 processing ore in it or were they using the conveyor
23 to get the stuff to get across --

24 A They were using the conveyor to get rid of
25 the waste.

1 Q The waste from where?

2 A From whatever they got out of the
3 Zonolite -- or, out of the vermiculite.

4 Q I'm confused, though. Was the old dry
5 mill actually working and --

6 A No, the screening part of it and stuff was
7 not, no.

8 Q Okay. So what you were doing is basically
9 using the conveyor system in the old dry mill to
10 move the tailings from someplace to the tailings
11 pile?

12 A And the conveyor for the skip.

13 Q For the skip.

14 A Yeah.

15 Q So you just basically had two conveyors
16 moving material through --

17 A That's correct, yes.

18 Q -- the dry mill? So what your job would
19 have been was to pick up -- when you were sweeping,
20 to sweep up the materials that were dropping off the
21 conveyors?

22 A That's right.

23 Q Tell me about whether that material was
24 dry or whether it was moist or wet.

25 A The one was moist. The other one was dry,

1 re-mined ore. I mean, it was -- It was headed to be
2 shipped out.

3 Q And so --

4 A It was very dry.

5 Q So it was not -- It was finished
6 vermiculite?

7 A Yes.

8 Q So it didn't -- Just to get it straight,
9 the materials that had been removed in whatever
10 processing was wet and it was going to the tailings
11 dump; and the material that was dry was the
12 vermiculite concentrate and it was going to the skip
13 and would go down and be hauled down to the river?

14 A Yes, that's correct.

15 Q When you worked in the -- sweeping in the
16 old dry mill, did you have anybody -- was anybody
17 else working in the old dry mill other than the
18 skipper?

19 A Sometimes there would be several people,
20 like if they had a spill or something shoveling.

21 Q Shovel it up?

22 A Yeah, uh-huh.

23 Q Was all of that conveyor stuff on the
24 ground floor of the --

25 A No, the conveyor for the skip was on the

1 second. That's correct.

2 Q Yeah. Because then you would drop it down
3 into the skip and --

4 A Into the silos, into bins.

5 Q Okay. And it's your testimony that the --
6 that you never wore a respirator or saw anyone wear
7 a respirator in that job?

8 A Not in that job, no.

9 Q Except for the times there was a large
10 spill, when you were working there, you would be
11 working by yourself?

12 A Yes.

13 Q And you would have a broom and a shovel
14 and a wheelbarrow, I suppose?

15 A We shoveled it right on the conveyor.

16 Q Just tossed it back on the conveyor?

17 A If it was deep on the bottom, if we had a
18 bad spill, we would wheel it out. Or a bobcat.

19 Q What was the dust situation like there?

20 A It was bad.

21 Q How do you mean "bad"? Could you see
22 across the room?

23 A Yeah. But it was extremely dusty.
24 I mean, it was -- You could see it, I mean, easy,
25 you know. There was lots of it.

1 Q How was it compared to the dust in the new
2 mill?

3 A Parts of the new mill, the upper parts,
4 were still pretty dusty. Like I say, the bottom
5 floor, maybe even the second floor were -- they were
6 dusty, but not as bad as the rest of it.

7 Q Did they have ventilation in the new mill?

8 A Only for the dryer. They had a bag mill
9 for the dryer, which was inadequate. I mean, you
10 could go outside and there was -- around that area,
11 there was lots of dust.

12 Q When you were shoveling in the -- When you
13 were cleaning up the spills in the old mill --

14 A Uh-huh.

15 Q -- from the conveyor, was there dust also
16 accumulated on the floors?

17 A Yes, there was.

18 Q How deep would that be? Just dust or --

19 A Probably an inch or a couple inches or
20 whatever.

21 Q Was it your job to clean that as well?

22 A Yes.

23 Q So did you have to sweep the whole floor
24 as opposed to just picking up spills?

25 A The immediate -- Yeah, that floor anyhow,

1 yes.

2 Q When you were working there, did you spend
3 the whole shift?

4 A Sometimes, yes.

5 Q Other times you wouldn't?

6 A Very seldom we didn't, but there would be
7 times the mill would be down.

8 Q Okay. Do you remember anyone by name who
9 worked with you during that period of time that
10 would have been doing the same kind of thing?

11 A Yeah. It has been a long time. Dennis
12 Day would have been one of them. Bruce Cole, I
13 worked with him.

14 Q It would be just other people that were on
15 the labor pool?

16 A Yes.

17 Q There wasn't anyone you knew of that was
18 permanently assigned to that old dry mill to do the
19 spill clean up?

20 A Only the skip operator.

21 Q And they kept pretty busy doing their own
22 thing, didn't they?

23 A Yeah, but when the mill -- just like
24 anything else, when they break down, then it was
25 your job to jump in there and sweep and --

1 Q Okay, then you were a skip operator, too,
2 for a period of time?

3 A Yes, most of the year there.

4 Q And how would you -- What would you say
5 the dust conditions were there?

6 A Extremely bad.

7 Q Was there a skip booth?

8 A Yes.

9 Q Was there any ventilation in the skip
10 booth?

11 A No, there was not.

12 Q Did dust collect on the floor of the skip
13 booth?

14 A Yes.

15 Q And would you clean that or would someone
16 else clean it?

17 A We cleaned it -- The operator cleaned it.

18 Q What would you do with the dust that
19 spilled?

20 A Shoveled it into a car -- into a skip car.

21 Q Okay, but the skip was taking the ore?

22 A That's correct.

23 Q Would you throw it in back with the ore?

24 A Yeah, it was just Zonolite. They were
25 right together. I mean, they were from, like me to

1 you apart, the skip car and the skip operator shack.

2 Q Uh-huh. But what -- The dust, was that in
3 your view Zonolite dust or was it -- rock dust or
4 what was it?

5 A No, it was Zonolite dust.

6 Q Okay. Okay. And then your other job was
7 millwright and millwright helper. Where did you do
8 most of your work as a millwright?

9 A Every day it changed. Wherever something
10 needed work, that's where we were sent. I spent a
11 lot of time on the skip track and the lower ore bins
12 and the screening plant and the reclaimer. You
13 know, whatever --

14 Q It was almost all mill related? You
15 wouldn't have had any mine-related --

16 A No, I didn't work at all in the mine.

17 Q Did you see -- Tell me about anyone that
18 you remember seeing wear a respirator up there.

19 A There was one guy on our crew. I don't
20 remember his name. He worked in the lab and he wore
21 a respirator.

22 Q Do you know why?

23 A No. I just -- I assumed at the time it
24 was because of the oven and stuff in the lab.
25 I didn't know.

1 Q Okay. Did you ever talk to anybody about
2 respirators? Ever?

3 A No.

4 Q Not a word about them?

5 A No. Nobody that I worked with wore them
6 and --

7 Q What clothing did you wear?

8 A Just normal, like blue jeans and a shirt
9 or a jacket or coat or whatever.

10 Q What was the condition of that clothing at
11 the end of the day?

12 A It would be full of dust.

13 Q What would you do with it?

14 A When I got home, I just took it off and
15 the wife took care of it from there.

16 Q Did you shake it out or brush it off at
17 all?

18 A Maybe a little bit. Not much.

19 Q Yeah, I was -- That would seem to me to be
20 the normal temptation, and I've worked in dusty
21 places a lot, to --

22 A Yes.

23 Q -- just knock off as much dust as would
24 come off before you got into your home.

25 A Yes.

1 Q Would you take it off outside or take it
2 off inside?

3 A Inside.

4 Q Did you notice any dustiness in the house
5 that you would attribute to the dust on your
6 clothing?

7 A Yes.

8 Q And what was that? I mean --

9 A Zonolite.

10 Q How would it appear, though?

11 A I don't understand what you're --

12 Q Was it dusty in the air in your house all
13 the time?

14 A Not that you could see. You seen it like
15 in the washing machine and where I changed my
16 clothes, on the floor.

17 Q Okay.

18 A Not real bad anyhow, as far as you could
19 see, no.

20 Q I just want to sort of compare -- I know
21 that logging and even driving truck in a logging
22 operation can get fairly dusty --

23 A Yes.

24 Q -- because of the roads you go over and so
25 forth.

1 A Yes.

2 Q Would you say that the dust that you
3 brought home was different in quantity from Zonolite
4 than from truck driving?

5 A Oh, yes.

6 Q How so?

7 A There was more so with Zonolite.

8 Q Wouldn't it just come out of your clothes
9 or -- In other words, as you tried to brush yourself
10 off?

11 A Some of it did, yes. It would get in your
12 pockets and in your shoes and in your boots.

13 Q Okay.

14 MR. GRAHAM: Why don't we take a
15 brief break.

16 (A recess was held in the proceedings.)

17

18 EXAMINATION RESUMED

19 BY MR. GRAHAM:

20 Q All right. Back at it.

21 A All right.

22 Q You have said that you didn't see anyone
23 except the one person wear a respirator. Were you
24 aware of the availability of respirators?

25 A No, I was not.

1 tailings?

2 A No, I didn't.

3 Q What did you think was going out as
4 tailings?

5 A The rock and, you know, whatever was mixed
6 in with the vermiculite.

7 Q Maybe I didn't ask the question correctly.
8 You knew that there were -- there was stuff in the
9 ore other than just vermiculite?

10 A Yeah, I guess so. Just the rock and stuff
11 that was mixed with it, I guess. I don't know what
12 it was.

13 Q But you knew there was something?

14 A Yes.

15 Q Okay. Did you, as a millwright, ever work
16 on the ventilation equipment?

17 A No.

18 Q Were you aware that there was ventilation
19 equipment there?

20 A Yes.

21 Q And did you have -- While you were there,
22 did you reach any conclusion as to the effectiveness
23 of the ventilation equipment?

24 A Very poor.

25 Q And why is that?

1 A A good example that I remember is, there
2 was what they call a bag plant right on the corner
3 of the new mill that was supposed to help the
4 condition of the ore coming out of the oven, and it
5 was so dusty you couldn't even see the plant -- the
6 bag plant.

7 Q From outside?

8 A Yeah.

9 Q So you're saying that when you were
10 standing outside the new mill you couldn't even see
11 the bag plant?

12 A No, it would get that dusty.

13 Q Was it always that dusty?

14 A Yeah, pretty much so, yes.

15 Q Okay. Now, were there doors on the new
16 mill that you were operating in? In other words,
17 was it an enclosed structure?

18 A Yes.

19 Q And the doors would remain closed or would
20 you open them for ventilation?

21 A No, they were open most of the time.

22 Q For what purpose?

23 A Easy access. They were always running in
24 and out of there with equipment. It was just easier
25 to leave stuff open.

1 Q Was there any source of dust, to your
2 knowledge, other than the upper floors of the new
3 mill that -- the skip facility where it was loading,
4 and then the bag house?

5 A It was all over. It was --

6 Q What other dust producers were there?

7 A Vehicles running on the road. The wind.

8 Q Did they oil or water the roads in the
9 summer?

10 A No. Well, they might have watered the
11 roads once in awhile, I guess. I'm not sure about
12 that. But I think I remember them watering the
13 roads.

14 Q What would have been more effective
15 ventilation?

16 A As dusty as it was, I don't think there
17 would have been much they could have done.

18 Q The bag house, as you understand it, was
19 designed to try to remove the dust from the air?

20 A That's what I assumed it was for, yes.

21 Q And as I understand it, it's like a big
22 vacuum cleaner with the bag sort of exposed?

23 A Yeah, I'm not exactly real sure how it
24 works, but that's what it was, yes.

25 Q And would the dust be coming out of the

1 bags?

2 A Yes.

3 Q Do you know what kind of dust it was?

4 A It was ore dust.

5 Q Do you know whether there was any asbestos
6 in that dust?

7 A I do not know.

8 Q What was the context in which you heard
9 about tremolite? If you remember.

10 A I don't recall.

11 Q Okay. During the period of time that you
12 worked there, was there any change in the extent of
13 the dustiness that you could perceive?

14 A No.

15 Q Did you have any knowledge of any
16 dangerous minerals in the dust?

17 A No, I did not.

18 Q Were you ever told by W.R. Grace to clean
19 up the dust because there was going to be an
20 inspection?

21 A Not for an inspection. We were told to
22 pretty much keep it cleaned up just because they
23 wanted it kept clean.

24 Q Your understanding was that it was
25 important to them to keep it clean?

1 Q -- by W.R. Grace?

2 A No.

3 Q Did you have any contact with W.R. Grace
4 after you left work in 1976?

5 A No. None.

6 Q Were there any representations made to you
7 by the company, W.R. Grace, with regard to the dust
8 as to whether it was harmless or harmful?

9 A No.

10 Q None whatsoever?

11 A (Deponent shakes head.)

12 Q None either way?

13 A Re --

14 Q None either way? They didn't say it was
15 harmful dust, they didn't say it's harmless dust?

16 A I was told it was a nuisance dust.

17 Q Who told you it was a nuisance dust?

18 A I don't remember if it was -- I think
19 Duane Monroe.

20 Q How did the matter come up?

21 A Probably just joking around about it.

22 I don't really remember that, either.

23 Q And the reason I ask the question is that
24 nuisance dust isn't -- Is that a common term for
25 you?

1 Q Did you ever know that there had been
2 asbestosis claims made during the '60s and '70s?

3 A No, I did not.

4 Q Okay. We have Dr. Whitehouse. You went
5 to see Dr. Whitehouse, as apparently referred by
6 Mr. Hurlbert?

7 A Yes.

8 Q How was that? How did that come about?

9 A I had been trying to find reasons all
10 through the '90s as to why I was having trouble, and
11 then he was diagnosed with it, and he was telling me
12 how he was diagnosed, and I got to thinking about it
13 and I had a lot of the same symptoms. So I made an
14 appointment with Dr. Whitehouse and went and seen
15 him.

16 Q What were the symptoms; the shortness of
17 breath?

18 A Yes.

19 Q Any other symptoms?

20 A Pain in my chest. Tightness.

21 Q When did that start?

22 A Like I said, it started in the early '90s
23 and continued to get worse.

24 Q What kind of pain was it in your chest?

25 A When you exert yourself, you know, you

1 would get a pain. I don't know how to describe it.

2 Just a sharp pain in your chest.

3 Q Where at in your chest?

4 A Right here (indicating).

5 Q Under your breast bone, basically?

6 A Yeah -- Well, right in there (indicating).

7 Q Right in the front, center anyway?

8 A Right.

9 Q How long would that last?

10 A Depends on how much you exerted yourself.

11 Not too awful long. Five minutes, somewhere in

12 there. Fifteen minutes.

13 Q Would you -- How would you recover from
14 your shortness of breath? Would it be a fairly
15 quick recovery or would it --

16 A It would take a little bit. Relax and be
17 quiet a little bit, like 15 minutes or so, and you
18 could usually get over it. Sometimes it would go
19 longer than that.

20 Q Has that changed over the years?

21 A It has gotten worse.

22 Q Takes longer?

23 A Yeah.

24 Q How long does it take now?

25 A Oh, there again depends on how much I

1 exert myself. Like if I put tire chains on my
2 logging truck, you know, that would be 15, 20
3 minutes before you get back to where I belong.

4 Q Does it vary? In other words, when you're
5 doing the same task, are you always the same amount
6 out of breath or do you have times that you get more
7 out of breath doing exactly the same thing?

8 A Sometimes it's not as bad. Sometimes it's
9 a little worse, maybe.

10 Q When you take the Albuterol, does that
11 help with your shortness of breath?

12 A No. That's for the gout.

13 Q That's for the gout. Sure, it wouldn't
14 help. Anything -- Any -- Your Proventil?

15 A Yeah, it helps.

16 Q Okay. So you went to see Dr. Whitehouse
17 in 1997?

18 A Yes. May.

19 Q At that time the note he had had said you
20 quit smoking about three years ago?

21 A 1993 I quit.

22 Q '93. Okay. And you had smoked one or
23 more packs of cigarettes per day up until then?

24 A Yes.

25 Q My recollection is that there were times

1 to what my normal lung capacity would be.

2 Q Now, is it your understanding from talking
3 to Dr. Whitehouse that that's decreased by
4 measurement since then? In other words, that your
5 pulmonary function test was worse than it was
6 before?

7 A It was worse than last year, yes.

8 Q And that's something that he told you?

9 A Yes.

10 Q I don't know how to ask you to try to
11 quantify it, but you say that your shortness of
12 breath is increasing and we have talked about
13 rebound time. Is there any other way you can
14 describe how it's getting worse?

15 A It gets longer. It becomes harder to
16 breathe.

17 Q Are there tasks that you do today that two
18 years ago -- or, tasks that you can't do today or
19 can only do them with difficulty that two years ago
20 you didn't have any problem doing?

21 A Probably not two years ago, but there are
22 daily activities that I've had to give up because of
23 it.

24 Q And what would those be?

25 A Most anything around the house. I can't

1 shovel snow or mow the lawn or -- grass bothers me,
2 too. I hire all that done now.

3 Q How long have you hired it done?

4 A For the last couple years anyhow. Couple,
5 three years maybe.

6 Q You have children living at home with you,
7 don't you?

8 A They are in Libby, but they are not living
9 at home.

10 Q How old are your children?

11 A I've got one that's 28 and one that's 23,
12 and one that's just about to turn 21.

13 Q Okay. So they have all fled the nest,
14 probably? Have they?

15 A Yes.

16 Q Not very far, but they have fled the nest.

17 A Yes.

18 Q Are any of them married?

19 A No.

20 Q So during the last few years you have
21 hired your lawn work and so forth done. Had any of
22 your children done that before?

23 A No, I'd pretty much done it all before
24 that.

25 Q And what you're -- What you're saying is